IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.568 OF 2005

Shri Izhar Hussain Jalil
Mohammed and Anr. .. Appellants

Versus

Shri Yogini Devi Public Trust
and ors. .. Respondents

Mr.P.S.Dani for appellants
Mr.K.K.Tated for respondent no.6
Mr.V.P.Patil for respondent no.1

CORAM : P.V.KAKADE, J.
DATE : 10TH AUGUST, 2005.

P.C.:

1. This proceeding was fixed for admission on 9th August, 2005, however, on request of the advocates it was fixed for today.

2. When the matter is called out today Advocate Mr.Dani, for appellants submitted that his client has expressed his desire to discharge Mr.Dani from the responsibility of conducting this matter and therefore, Mr.Dani seeks discharge. The power of attorney of the appellants is present in the Court and in his presence, at his request, Mr. Dani stands discharged.

3. Thereafter, the court made query with the power of attorney of the appellants whether he wants to conduct the matter personally or engage some other lawyer. The concerned power of attorney brought to my notice an application in the nature of complaint addressed to the Hon’ble the Chief Justice of this Court dated 16.5.2005, which contents certain allegations in respect of some judicial officers as well as some police officers pertaining to some other matters,and states that unless and until this application is responded by the Hon’ble the Chief Justice of this Court, he does not wish to proceed with this appeal. He was again informed that the present Second Appeal is not concerned in any manner whatsoever with the contents of his complaint application to the Chief Justice dated 16.5.2005, and he was at liberty to make necessary enquiry in the office

of the Hon’ble the Chief Justice in order to know what was the progress regarding his said complaint application, which pertains to earlier Second Appeal No.103 of 2003 as well as some allegations made against the police officers. However, he expressed that in that case he does not want to proceed with this matter when the court wanted to know if he wished to proceed or to engage some other lawyer. The party was also specifically informed that if he wanted to engage some other counsel, sufficient time would be granted, however he persisted that he did not wish to proceed further in this matter. In view of this position, the appeal stands dismissed for want of prosecution with no order as to costs. This order is passed in the party’s presence and explained to him in vernacular.